IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 15905 of 2005(R)

PETITIONER:

P.P.UTHAMAN,
PULLARAPALLY HOUSE, PATTANAKAD P.O.,
CHERTHALA, ALAPPUZHA.

BY ADV. SRI.V.R.GOPU

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT R.T.O.,
R.T.O. OFFICE, CHERTHALA.

3. DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, CHERTHALA.

4. THE VILLAGE OFFICER, PATTANAKAD.

5. M/S. RAKESH FINANCE COMPANY,
7, GENERAL MUTHIA MUDALAI STREET, SOWCARPET,
CHENNAI-600 079.

6. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., CHENGANOOR.

BY ADV. SRI. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

EXT.P1: A TRUE COPY OF THE LETTER FROM THE 5TH RESPONDENT DATED 15.09.1998.

EXT.P2: A TRUE COPY OF THE DEAMAND NOTICE DATED 23.02.2001.

EXT.P3: A TRUE COPY OF THE ORDER NO. B4-41/01 OF THE 3RD RESPONDENT TO THE 6TH RESPONDENT DATED 22.01.2003.

EXT.P4: TRUE COPY OF THE SALARY SLIP FOR THE MONTH OF MAY 2003 DATED NIL.

EXT.P5: THE TRUE COPY OF THE REPRESENTATION BEFORE THE 2ND RESPONDENT DATED 16.05.2003.

EXT.P6: THE TRUE COPY OF THE REPRESENTATION BEFORE THE 3RD RESPONDENT DATED 16.05.2003.

EXT.P7: THE TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 23430 OF 2003 DATED 23.07.2003.

EXT.P8: THE TRUE COPY OF THE LETTER NO. C3/6619/04/ACL DATED 02.12.2004.

EXT.P9: THE TRUE COPY OF THE DEMAND NOTICE NO. B4 20/05 MVT DATED 17.03.2005

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 15905 OF 2005

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Dated this the 21st day of June 2007

JUDGMENT

The petitioner is aggrieved by Ext.P8 and the consequential demand. According to the petitioner, no opportunity was granted to him as directed in Ext.P7 judgment. The learned Government Pleader referring to the counter affidavit submits that the representative of the financier was heard. But the fact remains that the petitioner did not get an opportunity for hearing after the documents were produced by the financier. Since the petitioner only seeks for an opportunity for personal hearing, this writ petition is disposed of as follows:

2. In the event of the petitioner approaching the 2nd respondent, the matter will be considered afresh by the said respondent with notice to the petitioner and the financier permitting the petitioner also to peruse the documents of the 5th respondent. I quash Ext.P8. There will be a direction to the 2nd respondent to pass fresh orders within a period of four months from the date of receipt of a copy of this judgment and the representation.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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